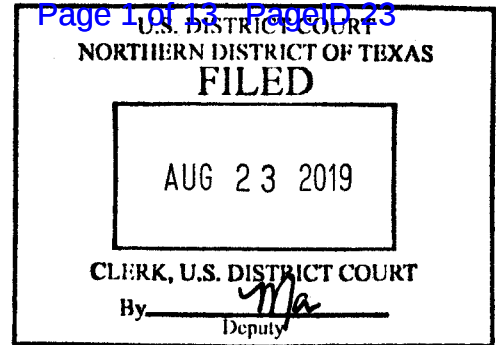


ORIGINAL



1 Peter Strojnik  
2 7847 N. Central Avenue  
3 Phoenix, Arizona 85020  
4 Telephone: (602) 524-6602  
ps@strojnik.com

5 **UNITED STATES DISTRICT COURT**  
6 **FOR THE NORTHERN DISTRICT OF TEXAS**  
7 **Dallas Division**

8  
9 **PETER STROJNIK**

10 Plaintiff,

11  
12 vs.

13 **TEOF HOTEL GP, LLC aka TEOF**  
14 **HOTEL LP aka TEOF HOTEL GP, LP**  
15 **DBA LORENZO HOTEL**

16 Defendant.

**CASE NO.:3:19-cv-01336-B**

**AMENDED COMPLAINT**

**(AS OF RIGHT)**

**CHANGE OF DEFENDANT ONLY**

17 **COMPLAINT**

- 18  
19 1. Plaintiff brings this action pursuant to the (1) Americans with Disabilities Act, 42  
20 U.S.C. §12101 *et seq.* and corresponding regulations, 28 CFR Part 36 and Department  
21 of Justice Standards for Accessible Design ("ADAAG"), and (2) common law of  
negligence per se.

22 **PARTIES**

- 23 2. Plaintiff Peter Strojnik is a veteran and a disabled person as defined by the ADA.  
24 3. Plaintiff is a single man currently residing in Maricopa County, Arizona. Plaintiff is  
25 and, at all times relevant hereto has been, legally disabled by virtue of a severe right-  
26 sided neural foraminal stenosis with symptoms of femoral neuropathy, prostate cancer  
27 and renal cancer, degenerative right knee and arthritis and is therefore a member of a  
28 protected class under the ADA.

1 4. Plaintiff suffers from physical impairments described above which impairments  
2 substantially limit his major life activities. Plaintiff walks with difficulty and pain  
3 and requires compliant mobility accessible features at places of public  
4 accommodation. Plaintiff's impairment is constant, but the degree of pain is episodic  
5 ranging from dull and numbing pain to extreme and excruciating agony.

6 5. Plaintiff is retired and likes to spend his retirement years traveling the United States.

7 6. Defendant, owns, operates leases or leases to a lodging business ("Hotel") located at  
8 1011 S. Akard Street, Dallas, TX 75215 which is a public accommodation pursuant to  
9 42 U.S.C. § 12181(7)(A).

### JURISDICTION

10 7. District Court has jurisdiction over this case or controversy by virtue of 28 U.S.C. §§  
11 28-1331 and 42 U.S.C. § 12188 and 28 U.S.C. § 1367.

12 8. Plaintiff brings this action as a private attorney general who has been personally  
13 subjected to discrimination on the basis of his disability, *see* 42 U.S.C. §12188 and  
14 28 CFR §36.501.

15 9. This Court has continuing subject matter jurisdiction by virtue of, *inter alia*,  
16 Plaintiff's claim for equitable nominal damages.

17 10. Venue is proper pursuant to 28 U.S.C. § 1391.

18 11. The ADAAG violations in this Verified Complaint relate to barriers to Plaintiffs  
19 mobility. This impairs Plaintiff's full and equal access to the Hotel which, in turn,  
20 constitutes discrimination satisfying the "injury in fact" requirement of Article III of  
21 the United States Constitution.

22 12. Plaintiff is deterred from visiting the Hotel based on Plaintiff's knowledge that the  
23 Hotel is not ADA or State Law compliant as such compliance relates to Plaintiff's  
24 disability.

25 13. Plaintiff intends to visit Defendant's Hotel at a specific time when the Defendant's  
26 noncompliant Hotel becomes fully compliant with ADAAG; just as a disabled  
27 individual who intends to return to a noncompliant facility suffers an imminent injury  
28 from the facility's existing or imminently threatened noncompliance with the ADA, a

1 plaintiff who is deterred from patronizing a hotel suffers the ongoing actual injury of  
2 lack of access to the Hotel.

3 **COUNT ONE**  
4 **Violation of Plaintiff's Civil Rights under the ADA**

5 14. Plaintiff realleges all allegations heretofore set forth.

6 15. By virtue of his disability, Plaintiff requires an ADA compliant lodging facility  
7 particularly applicable to his mobility, both ambulatory and wheelchair assisted.

8 16. Plaintiff intended to visit Dallas, Texas for a visit between February 20 -22, 2019  
9 therefore, reviewed vacation booking websites as documented in Addendum A which  
10 is by this reference incorporated herein for all purposes.

11 17. Plaintiff consulted booking websites and noted that the booking websites failed to  
12 identify and describe mobility related accessibility features and guest rooms offered  
13 through its reservations service in enough detail to reasonably permit Plaintiff to  
14 assess independently whether Defendant's Hotel meets his accessibility needs as more  
15 fully documented in Addendum A.

16 18. Defendant has violated the ADA by denying Plaintiff equal access to its public  
17 accommodation on the basis of his disability as outlined above and as outlined in  
18 Addendum A.

19 19. The ADA violations described in Addendum A relate to Plaintiff's disability and  
20 interfere with Plaintiff's full and complete enjoyment of the Hotel.

21 20. As a result of the deficiencies described above, Plaintiff declined to book a room at  
22 Defendant's Hotel.

23 21. The removal of accessibility barriers listed above is readily achievable.

24 22. As a direct and proximate result of ADA Violations, Defendant's failure to remove  
25 accessibility barriers prevented Plaintiff from equal access to the Defendant's public  
26 accommodation.

27 **WHEREFORE**, Plaintiff prays for all relief as follows:

28 A. Relief described in 42 U.S.C. §2000a – 3; and

B. Relief described in 42 U.S.C. § 12188(a) and (b) and, particularly -

- 1 C. Injunctive relief order to alter Defendant's place of public accommodation to  
2 make it readily accessible to and usable by ALL individuals with disabilities;  
3 and  
4 D. Requiring the provision of an auxiliary aid or service, modification of a  
5 policy, or provision of alternative methods, to the extent required by  
6 Subchapter III of the ADA; and  
7 E. Equitable nominal damages; and  
8 F. For costs, expenses and attorney's fees; and  
9 G. All remedies provided for in 28 C.F.R. 36.501(a) and (b).

10 **COUNT TWO**

11 Negligence

12 23. Plaintiff realleges all allegations heretofore set forth.

13 24. Defendant had a duty to Plaintiff to remove ADA accessibility barriers so that Plaintiff  
14 as a disabled individual would have full and equal access to the public  
15 accommodation.

16 25. Defendant breached this duty.

17 26. Defendant is or should be aware that, historically, society has tended to isolate and  
18 segregate individuals with disabilities, and, despite some improvements, such forms  
19 of discrimination against individuals with disabilities continue to be a serious and  
20 pervasive social problem<sup>1</sup>.

21 27. Defendant knowingly and intentionally participated in this historical discrimination  
22 against Plaintiff, causing Plaintiff damage.

23 28. Discrimination against individuals with disabilities persists in the use and enjoyment  
24 of critical public accommodations<sup>2</sup>.

25 29. Defendant's knowing and intentional persistence in discrimination against Plaintiff is  
26 alleged, causing Plaintiff damage.

27 30. Individuals with disabilities, including Plaintiff, continually encounter various forms  
28 of discrimination, including outright intentional exclusion, the discriminatory effects

---

<sup>1</sup> 42 U.S.C. § 12101(a)(2)

<sup>2</sup> 42 U.S.C. § 12101(a)(3)

1 of architectural, overprotective rules and policies, failure to make modifications to  
2 existing facilities and practices, exclusionary qualification standards and criteria,  
3 segregation, and relegation to lesser services, programs, activities, benefits, jobs, or  
4 other opportunities<sup>3</sup>.

5 31. Defendant's knowing and intentional discrimination against Plaintiff reinforces above  
6 forms of discrimination, causing Plaintiff damage.

7 32. Census data, national polls, and other studies have documented that people with  
8 disabilities, as a group, occupy an inferior status in our society, and are severely  
9 disadvantaged socially, vocationally, economically, and educationally<sup>4</sup>.

10 33. Defendant's knowing and intentional discrimination has relegated Plaintiff to an  
11 inferior status in society, causing Plaintiff damage.

12 34. The Nation's proper goals regarding individuals with disabilities are to assure equality  
13 of opportunity, full participation, independent living, and economic self-sufficiency  
14 for such individuals<sup>5</sup>.

15 35. Defendant's knowing, and intentional discrimination has worked counter to our  
16 Nation's goals of equality, causing Plaintiff damage.

17 36. Continued existence of unfair and unnecessary discrimination and prejudice denies  
18 people with disabilities the opportunity to compete on an equal basis and to pursue  
19 those opportunities for which our free society is justifiably famous, and costs the  
20 United States billions of dollars in unnecessary expenses resulting from dependency  
21 and nonproductivity<sup>6</sup>.

22 37. Defendant's knowing and intentional unfair and unnecessary discrimination against  
23 Plaintiff demonstrates Defendant's knowing and intentional damage to Plaintiff.

24 38. Defendant's breach of duty caused Plaintiff damages including, without limitation,  
25 the feeling of segregation, discrimination, relegation to second class citizen status the  
26 pain, suffering and emotional damages inherent to discrimination and segregation and  
27 other damages to be proven at trial.

---

28 <sup>3</sup> 42 U.S.C. §12101(a)(5)

<sup>4</sup> 42 U.S.C. §12101(a)(6)

<sup>5</sup> 42 U.S.C. §12101(a)(7)

<sup>6</sup> 42 U.S.C. §12101(a)(8)

1 39. By violating Plaintiff's civil rights, Defendant engaged in intentional, aggravated and  
2 outrageous conduct.

3 40. The ADA has been the law of the land since 1991, but Defendant engaged in a  
4 conscious action of a reprehensible character, that is, Defendant denied Plaintiff his  
5 civil rights, and cause him damage by virtue of segregation, discrimination, relegation  
6 to second class citizen status the pain, suffering and emotional damages inherent to  
7 discrimination and segregation and other damages to be proven at trial

8 41. Defendant either intended to cause injury to Plaintiff or defendant consciously  
9 pursued a course of conduct knowing that it created a substantial risk of significant  
10 harm to Plaintiff.

11 42. Defendant is liable to Plaintiff for punitive damages in an amount to be proven at trial  
12 sufficient, however, to deter this Defendant and others similarly situated from  
13 pursuing similar acts.

14 **WHEREFORE**, Plaintiff prays for relief as follows:

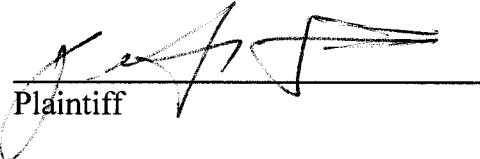
- 15 A. For finding of negligence; and  
16 B. For damages in an amount to be proven at trial; and  
17 C. For punitive damages to be proven at trial; and  
18 D. For such other and further relief as the Court may deem just and proper.

19 **REQUEST FOR TRIAL BY JURY**

20 Plaintiff respectfully requests a trial by jury in issues triable by a jury.

21 DATED this <sup>19<sup>th</sup> day of August</sup> ~~31<sup>ST</sup> day of May~~ 2019.

22 **PETER STROJNIK**

23   
24 Plaintiff  
25  
26  
27  
28



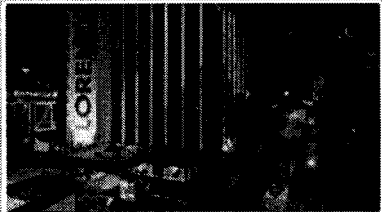
## ADDENDUM A

**ADA VIOLATIONS**

**3<sup>RD</sup> PARTY BOOKING WEBSITE - HOTELS.COM**

**Lorenzo Hotel**

1011 S Akard St, Dallas, TX, 75215, United States, 866-538-1314



**Top Hotel**

**Superb 9.0**  
 1,579 Hotels.com  
 guest reviews  

 213 reviews

**4-star hotels**

- Cedars
  - 0.7 miles to City center
  - 17 miles to Dallas-Fort Worth International Airport (DFW)
- Collect nights**

**Identification.**

Main amenities	For families
✓ 237 smoke-free guestrooms	✓ Refrigerator
✓ 2 restaurants and 3 bars/lounges	✓ Private bathroom
✓ Outdoor pool	✓ Free toiletries
✓ Breakfast available	✓ Daily housekeeping
✓ Fitness center	✓ Laundry facilities
✓ Self parking	✓ Iron/ironing board
✓ 24-hour front desk	
✓ Air conditioning	
✓ Daily housekeeping	
✓ Front desk safe	
✓ Convenience store	
✓ Laundry service	
✓ Free Internet	

**At a glance****Key facts****Hotel size**

- This hotel has 237 rooms
- This hotel is arranged over 12 floors

**Arriving/leaving**

94% of customers were happy with check-in

- Check-in time 3 PM-midnight
- Check-out time is 11 AM

**Required at check-in**

- Credit card deposit required
- Government-issued photo ID required
- Minimum check-in age is 21

**Travelling with others****Children**

- ✓ No cribs (infant beds)

**Pets**

- ✓ Pets not allowed

**Internet**

- ✓ Free WiFi and wired Internet access in public areas
- ✓ Free wired internet access in rooms

**In the hotel****Food and drink**

Cooked-to-order breakfast daily (surcharge) | 2 restaurants |  
3 bars/lounges | Coffee shop/café | Poolside bar

**Things to do**

Outdoor pool | Fitness facilities

**Working away**

Conference space | Meeting rooms |  
Conference space size (feet) - 13250 |  
Conference space size (meters) - 1231

**Services**

24-hour front desk | Concierge services |  
Dry cleaning/laundry service | Laundry facilities | Luggage storage |  
Multilingual staff | Porter/bellhop

**Facilities**

Elevator/lift | Safe-deposit box at front desk |  
Designated smoking areas

**Accessibility**

Accessible bathroom | In-room accessibility | Roll-in shower

**Languages Spoken**

English | Spanish

**In the room****Home comforts**

Air conditioning | Coffee/tea maker | Iron/ironing board

**Freshen up**

Private bathroom | Shower only | Free toiletries | Hair dryer

**Be entertained**

50-inch flat-screen TV

**Stay connected**

Desk | WiFi (surcharge)

**Food and drink**

Refrigerator | Free bottled water

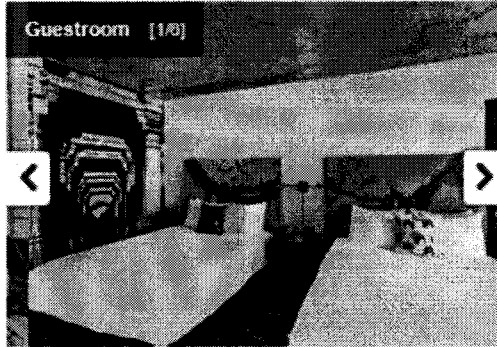
**More**

Daily housekeeping | In-room safe



**Deluxe Room, 2 Queen Beds**

Guestroom [1/8]

**2 Queen Beds**

398-sq-foot (37-sq-meter) room with city views

**Internet** - Free wired Internet access**Entertainment** - 50-inch flat-screen TV**Food & Drink** - Refrigerator, coffee/tea maker, and free bottled water**Bathroom** - Private bathroom, shower, free toiletries, and a hair dryer**Practical** - Safe, iron/ironing board, and desk**Comfort** - Air conditioning and daily housekeeping

Non-Smoking

**Room Details**

- Air conditioning
- Coffee/tea maker
- Daily housekeeping
- Desk
- Flat-panel TV
- Free bottled water
- Free toiletries
- Free wired Internet
- Hair dryer
- In-room safe
- Iron/ironing board
- Number of bathrooms - 1
- Private bathroom
- Refrigerator
- Shower only
- WiFi (surcharge)

Sleeps 4 people (including up to 3 children)

**Bed choices**

- 2 Queen Beds

More Info: 866-639-8117

**Deluxe Room, 1 King Bed**

Guestroom [1/8]

**1 King Bed**

398 sq feet (37 sq meters)

**Internet** - Free wired Internet access**Entertainment** - 50-inch flat-screen TV**Food & Drink** - Refrigerator, coffee/tea maker, and free bottled water**Bathroom** - Private bathroom, shower, free toiletries, and a hair dryer**Practical** - Safe, iron/ironing board, and desk**Comfort** - Air conditioning and daily housekeeping

Non-Smoking

**Room Details**

- Air conditioning
- Coffee/tea maker
- Daily housekeeping
- Desk
- Flat-panel TV
- Free bottled water
- Free toiletries
- Free wired Internet
- Hair dryer
- In-room safe
- Iron/ironing board
- Number of bathrooms - 1
- Private bathroom
- Refrigerator
- Shower only
- WiFi (surcharge)


Sleeps 4 people (including up to 3 children)

**Bed choices**

- 1 King Bed

More Info: 866-639-8117

### Suite, 1 King Bed, Corner



**Sleeps 2 people (including up to 1 child)**

**Bed choices**

- 1 King Bed

More info: 866-539-8117

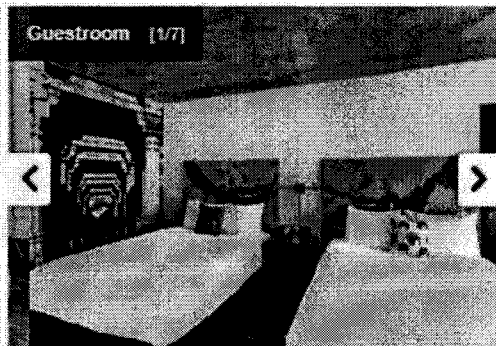
**1 King Bed**  
495-sq-foot (46-sq-meter) room with city views

**Internet** - Free wired Internet access  
**Entertainment** - 50-inch flat-screen TV  
**Food & Drink** - Refrigerator, coffee/tea maker, and free bottled water  
**Bathroom** - Private bathroom, shower, free toiletries, and a hair dryer  
**Practical** - Safe, iron/ironing board, and desk  
**Comfort** - Air conditioning and daily housekeeping  
**Non-Smoking**

**Room Details**

- Air conditioning
- Coffee/tea maker
- Daily housekeeping
- Desk
- Flat-panel TV
- Free bottled water
- Free toiletries
- Free wired Internet
- Hair dryer
- In-room safe
- Iron/ironing board
- Number of bathrooms - 1
- Private bathroom
- Refrigerator
- Shower only
- WiFi (surcharge)

### Suite, 2 Queen Beds, Corner



**Sleeps 4 people (including up to 3 children)**

**Bed choices**

- 2 Queen Beds

More info: 866-539-8117

**2 Queen Beds**  
495-sq-foot (46-sq-meter) room with city views

**Internet** - Free wired Internet access  
**Entertainment** - 50-inch flat-screen TV  
**Food & Drink** - Refrigerator, coffee/tea maker, and free bottled water  
**Bathroom** - Private bathroom, shower, free toiletries, and a hair dryer  
**Practical** - Safe, iron/ironing board, and desk  
**Comfort** - Air conditioning and daily housekeeping  
**Non-Smoking**

**Room Details**

- Air conditioning
- Coffee/tea maker
- Daily housekeeping
- Desk
- Flat-panel TV
- Free bottled water
- Free toiletries
- Free wired Internet
- Hair dryer
- In-room safe
- Iron/ironing board
- Number of bathrooms - 1
- Private bathroom
- Refrigerator
- Shower only
- WiFi (surcharge)

**ADA Deficiency:** (1) Failure to identify and describe accessible features in the hotel and guest rooms in enough detail to reasonably permit Plaintiff to assess independently whether the hotel or guest room meets his accessibility needs. (2) Insufficient dispersion of accessible rooms, if any.

**1<sup>ST</sup> PARTY BOOKING WEBSITE**

<https://www.lorenzohotel.com/>



**Search: accessibility Q**

Search

accessibility

SEARCH

1 Results Found

## ADA ACCESSIBLE HOTELS IN DALLAS, TX | THE LORENZO HOTEL

/ada.htm

to identify web **accessibility** standards as outlined by the World Wide Web Consortium's Web Content **Accessibility** Guidelines 2.0 Level AA (WCAG 2.0 AA). While the

### LORENZO HOTEL DELUXE KING

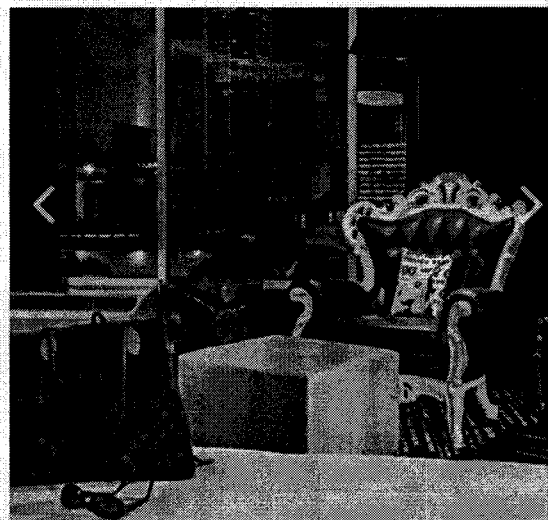
Book Now



Sleep in style in a 440-square foot Lorenzo King Room, featuring artfully decorated headboards created by local artist Michael Ledoux. Dallas hotel lodging takes eclectic to a whole new level with works of art that are as unique as your incredible in-room Dallas skyline view.

- King beds
- Oversized theatrical, industrial style floor lamp
- Wired and wireless internet
- Business desk
- Keurig coffee makers
- Shakespearean quotes on the carpet
- PolArt resin chairs
- Artistic murals
- Concrete ceilings

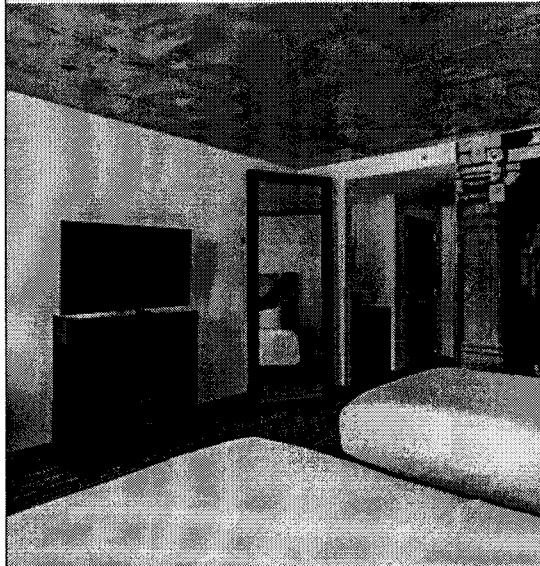
BOOK NOW



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[Book Now](#)



### DELUXE DOUBLE QUEEN

Be wowed by Lorenzo Double Queen Rooms, featuring 380 square feet of space filled with art and style. Sleep under elaborately chic headboards created by local artist Michael Ledoux. Dallas hotel accommodations have never looked better with reality-bending art pieces and a phenomenal in-room view of the downtown skyline.


- Double Queen beds
- Oversized theatrical, industrial style floor lamp
- Wired and wireless internet
- Business desk
- Keurig coffee makers
- Shakespearean quotes on the carpet
- PolArt resin chairs
- Artistic murals
- Concrete ceilings

[BOOK NOW](#)

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[Book Now](#)



### KING CORNER SUITE

Lorenzo Corner Suites are far from ordinary. With 500 square feet of ornately decorated rooms and amazing in-room views of the Dallas skyline, these hotel suites in Dallas are the best around. Each suite features a unique headboard designed by local artist Michael Ledoux. These stunning art pieces add character to an already individualistic suite.

- King or Double Queen beds
- Oversized theatrical, industrial style floor lamp
- Wired and wireless internet
- Business desk
- Keurig coffee makers
- Shakespearean quotes on the carpet
- PolArt resin chairs
- Artistic murals
- Concrete ceilings

[BOOK NOW](#)

23  
24  
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**ADA Deficiency: ADA Deficiency:** (1) Failure to identify and describe accessible features in the hotel and guest rooms in enough detail to reasonably permit Plaintiff to assess independently whether the hotel or guest room meets his accessibility needs. (2) Insufficient dispersion of accessible rooms, if any.

END



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7847 N. Central Avenue  
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U.S. District Court Clerk's Office  
1100 Commerce Street, Room 1452  
Dallas, TX 75242

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